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LAURA C. MATTIACCI, ESQ.
mattiacci@consolelaw.com

February 8, 2024

Via Email to Chambers and ECF

The Honorable Anita B. Brody
United States District Court for the Eastern District of Pennsylvania
601 Market Street, Room 7613
Philadelphia, PA 19106

Re: *Frank Donofrio v. IKEA U.S. Retail, LLC, et al.; No. 18-599*
William Antonelli, Jr. v. IKEA Holding US, Inc., et al.; 19-1286
Brandon Paine v. IKEA Holding US, Inc., et al.; 19-723
Defendants' Failure to Produce Metadata as Ordered (*Donofrio* ECF 362)

Dear Judge Brody:

IKEA counsel's February 7, 2024 letter to Your Honor included a screenshot of his email to me, but neglected to include my response to him (to which he never responded). I've attached the email exchange with this letter.

Also, because of time constraints (even with our request for an extension until February 14, 2024, for the submission of our post-hearing brief, which IKEA does not oppose), we are sending to IKEA counsel today a subpoena for the deposition of Lighthouse and the production of unaltered metadata corresponding to IKEA's December, 2023 production, including file path.

Thank you for your attention to this matter.

Respectfully submitted,

Laura C. Mattiacci

LCM/amr
Enclosure
cc: Counsel of Record

From: [Laura Mattiacci](#)
To: [Lidbury, Thomas A.](#)
Cc: [Adams, Paul Lancaster](#); [Sher, Brandon R.](#); [Betts, Jenn](#); [Santoro, Emily](#); [Foss, Margaret R.](#); [Gallor, Dawn G.](#); [Alexis Rodriguez](#); [Stephen G. Console](#); [Susan Saint-Antoine](#); [Bob Hatley](#)
Subject: Re: Donofrio v. IKEA -- Load File Overlay
Date: Wednesday, February 7, 2024 1:05:12 PM
Attachments: [image008.png](#)
[image009.png](#)
[image010.png](#)
[image180749.png](#)
[image036734.png](#)
[image674530.png](#)

Tom,

1. IKEA was ordered by the Court as follows: **Defendants must provide Plaintiffs with the load file containing unaltered metadata corresponding to Defendants December 2023 production on or before February 2, 2024.**
3. The load files produced by Defendants on Friday, February 2nd were altered by IKEA since, by IKEA's own admission, IKEA inserted information into what it is now saying was originally empty custodian fields.
4. Notably, none of the Affidavits IKEA has provided to us state that any part of the custodian metadata field for the December 2023 production was originally blank or stated unequivocally and exactly what the original system metadata stated as to the rest; the first time we were advised of this "empty" field was last night at 5:48 pm via your email, despite multiple follow-ups by Plaintiff.
5. We have not been provided the "file path" metadata for these documents. The "file path" is part of the metadata for these documents. IKEA deleted the mailboxes of Ixtabalan and Stein, and thus, according to IKEA, also destroyed the custodian metadata information. IKEA should produce to Plaintiff the load file with the unaltered file path metadata immediately so Plaintiff, and the Court, can confirm where these documents came from. This is neither costly nor burdensome for IKEA to do.
6. Please also answer the question I asked on Monday 2/5/24: Please also confirm that there are no other instances (including in prior productions) of metadata being altered, manually or otherwise.

Thanks,
Laura

Laura Mattiacci
Co-Managing Member, CONSOLE MATTIACCI LAW, LLC

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From: Lidbury, Thomas A. <thomas.lidbury@ogletree.com>

Sent: Tuesday, February 6, 2024 5:47 PM

To: Laura Mattiacci <mattiacci@consolelaw.com>

Cc: Adams, Paul Lancaster <pladams@ogletreedeakins.com>; Sher, Brandon R. <brandon.sher@ogletreedeakins.com>; Betts, Jenn <jenn.betts@ogletreedeakins.com>; Santoro, Emily <emily.santoro@ogletreedeakins.com>; Foss, Margaret R. <Margaret.Foss@ogletreedeakins.com>; Gallor, Dawn G. <dawn.gallor@ogletreedeakins.com>; Alexis Rodriguez <Rodriguez@consolelaw.com>; Stephen G. Console <console@consolelaw.com>; Susan Saint-Antoine <santanto@consolelaw.com>; Bob Hatley <bhatley@lighthouseglobal.com>

Subject: RE: Donofrio v. IKEA -- Load File Overlay

Laura,

Your accusation that metadata was “altered” is misguided. There is no custodian metadata field in the network U drive. If we were to populate the custodian field in the load file with the “original metadata” then the field would be empty. And, since the load file specifications you negotiated (ECF 263) do not include the file path, you would be left with no metadata identifying who the files from the U drives belonged to.

The only way to put any value in the custodian field of the load file for these documents is manually. We did so based on the name of the individual included in the file path, with the additional helpful note that it came from a U drive (which drives, incidentally, are beyond the scope of ECF 295).

We were not obligated to provide this helpful information to you but we did so anyway as a courtesy and in an effort (futile as it turns out) to avoid more unnecessary confusion on your part. The load file stipulation (ECF 263) expressly provides that IKEA is “not obligated” to “manually code fields not automatically generated by the processing of ESI” if it “does not exist as part of the original metadata of the document, or would be burdensome or costly to obtain.” The “or” means that IKEA would not have been obligated to populate the custodian field at all since it does not exist in the original metadata. Nevertheless, given that it was not burdensome or costly, we did so as a courtesy to you. You are welcome.

Pursuant to Rule 11 and 28 U.S.C. § 1927, please withdraw your frivolous letter-motion.

Tom

Thomas A. (Tom) Lidbury | Ogletree Deakins

155 North Wacker Drive, Suite 4300 | Chicago, IL 60606 | Telephone: 312-558-1230

thomas.lidbury@ogletree.com | www.ogletree.com | [Bio](#)

From: Laura Mattiacci <mattiacci@consolelaw.com>

Sent: Monday, February 5, 2024 2:39 PM

To: Lidbury, Thomas A. <Thomas.Lidbury@ogletree.deakins.com>; Bob Hatley <bhatley@lighthouseglobal.com>

Cc: Adams, Paul Lancaster <pladams@ogletree.deakins.com>; Sher, Brandon R. <brandon.sher@ogletree.deakins.com>; Betts, Jenn <jenn.betts@ogletree.deakins.com>; Santoro, Emily <emily.santoro@ogletree.deakins.com>; Foss, Margaret R. <Margaret.Foss@ogletree.deakins.com>; Gallor, Dawn G. <dawn.gallor@ogletree.deakins.com>; Alexis Rodriguez <Rodriguez@consolelaw.com>; Stephen G. Console <console@consolelaw.com>; Susan Saint-Antoine <santanto@consolelaw.com>

Subject: Re: Donofrio v. IKEA -- Load File Overlay

[Caution: Email received from external source]

Tom,

The Korst Declaration just produced to us on Friday says that some of the custodian fields of the documents sent to us this past Friday were altered, including the manual addition of "U Drive" to certain custodian fields. This is not what the Court ordered.

Please provide the December 2023 production with the original, unaltered metadata.

Please also confirm that there are no other instances (including in prior productions) of metadata being altered, manually or otherwise. Please send this to us no later than noon on Tuesday, February 6, 2024, otherwise we will bring it to the attention of the Court.

Thanks,

Laura

Laura Mattiacci
Co-Managing Member, CONSOLE MATTIACCI LAW, LLC

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Fax: [215.689.4137](tel:215.689.4137) | www.consolelaw.com

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From: Lidbury, Thomas A. <thomas.lidbury@ogletree.com>
Sent: Friday, February 2, 2024 4:59 PM
To: Laura Mattiacci <mattiacci@consolelaw.com>; Bob Hatley <bhatley@lighthouseglobal.com>
Cc: Adams, Paul Lancaster <pladams@ogletreedeakins.com>; Sher, Brandon R. <brandon.sher@ogletreedeakins.com>; Betts, Jenn <jenn.betts@ogletreedeakins.com>; Santoro, Emily <emily.santoro@ogletreedeakins.com>; Foss, Margaret R. <Margaret.Foss@ogletreedeakins.com>; Gallor, Dawn G. <dawn.gallor@ogletreedeakins.com>; Alexis Rodriguez <Rodriguez@consolelaw.com>; Stephen G. Console <console@consolelaw.com>; Susan Saint-Antoine <santanto@consolelaw.com>
Subject: RE: Donofrio v. IKEA -- Load File Overlay

Laura,

The updated production set has been posted to Lighthouse's FTP for your access. The zip name and password are:

Vol: <IKEA014.zip>

Password: croyAhl6a0&eh!tAR&ji

I'm adding Bob Hatley from Lighthouse so he can assist you with any further issues.

Tom

Thomas A. (Tom) Lidbury | Ogletree Deakins
155 North Wacker Drive, Suite 4300 | Chicago, IL 60606 | Telephone: 312-558-1230
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From: Lidbury, Thomas A.
Sent: Friday, February 2, 2024 1:33 PM
To: Laura Mattiacci <mattiacci@consolelaw.com>; Susan Saint-Antoine <santanto@consolelaw.com>
Cc: Adams, Paul Lancaster <pladams@ogletreedeakins.com>; Sher, Brandon R. <brandon.sher@ogletreedeakins.com>; Betts, Jenn <jenn.betts@ogletreedeakins.com>; Santoro, Emily <emily.santoro@ogletreedeakins.com>; Foss, Margaret R. <Margaret.Foss@ogletreedeakins.com>; Gallor, Dawn G. <dawn.gallor@ogletreedeakins.com>; Alexis Rodriguez <Rodriguez@consolelaw.com>; Stephen G. Console <console@consolelaw.com>
Subject: RE: Donofrio v. IKEA -- Load File Overlay

Laura,

Sorry you are having trouble. It should be a simple matter to use the overlay to update your existing database. But, per your request, Lighthouse is generating a whole new production with the updated metadata. We will let you know when they have posted it to FTP for you to download.

Tom

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155 North Wacker Drive, Suite 4300 | Chicago, IL 60606 | Telephone: 312-558-1230
thomas.lidbury@ogletree.com | www.ogletree.com | [Bio](#)

From: Laura Mattiacci <mattiacci@consolelaw.com>

Sent: Friday, February 2, 2024 11:42 AM

To: Lidbury, Thomas A. <Thomas.Lidbury@ogletreedeakins.com>; Susan Saint-Antoine <santanto@consolelaw.com>

Cc: Adams, Paul Lancaster <pladams@ogletreedeakins.com>; Sher, Brandon R. <brandon.sher@ogletreedeakins.com>; Betts, Jenn <jenn.betts@ogletreedeakins.com>; Santoro, Emily <emily.santoro@ogletreedeakins.com>; Foss, Margaret R. <Margaret.Foss@ogletreedeakins.com>; Gallor, Dawn G. <dawn.gallor@ogletreedeakins.com>; Alexis Rodriguez <Rodriguez@consolelaw.com>; Stephen G. Console <console@consolelaw.com>

Subject: Re: Donofrio v. IKEA -- Load File Overlay

[Caution: Email received from external source]

Tom,

We need the actual production that goes with this "overlay" and the full unaltered metadata (load file: natives, PDF, text, DAT, .opt) to review this. In other words, please reproduce the December 2023 production as you did before, but this time with unaltered metadata.

Thanks,

Laura

Laura Mattiacci

Co-Managing Member, CONSOLE MATTIACCI LAW, LLC

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From: Lidbury, Thomas A. <thomas.lidbury@ogletree.com>

Sent: Friday, February 2, 2024 11:34 AM

To: Laura Mattiacci <mattiacci@consolelaw.com>; Susan Saint-Antoine <santanto@consolelaw.com>

Cc: Adams, Paul Lancaster <pladams@ogletreedeakins.com>; Sher, Brandon R. <brandon.sher@ogletreedeakins.com>; Betts, Jenn <jenn.betts@ogletreedeakins.com>; Santoro,

Emily <emily.santoro@ogletreedeakins.com>; Foss, Margaret R. <Margaret.Foss@ogletreedeakins.com>; Gallor, Dawn G. <dawn.gallor@ogletreedeakins.com>
Subject: Donofrio v. IKEA -- Load File Overlay

Laura and Susan,

Attached is a load file overlay with the corrected custodian information. Also attached are declarations explaining the process undertaken. Please confirm receipt and let us know if you have any trouble with the overlay.

Tom

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